

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHRISTOPHER ROMERO,

Plaintiff,

v.

No. CIV-07-0398 BB/WDS

CHAVES COUNTY BOARD
OF COUNTY COMMISSIONERS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Plaintiff's Objection To Order Denying Motion To Reconsider (Doc. 25). By order entered on April 10, 2008, the Court dismissed Plaintiff's claims against the named Defendants and granted him leave to identify specific individuals responsible for the violations asserted in the Complaint. Although the order did not dismiss the complaint or the action, the Clerk closed the case. Plaintiff filed an objection (Doc. 23) to the April 10 order. The Court later construed the objection as a motion to reconsider and entered an order (Doc. 24) denying the motion. Plaintiff then filed his current objection (Doc. 25).

As noted in the order of April 10, 2008, two pleadings (Docs. 1, 8) contain claims arising from a shoplifting prosecution that ended in acquittal, and from conditions of Plaintiff's confinement. The Court ruled that Plaintiff's allegations in these two pleadings failed to state claims against the named Defendants and dismissed them. In his second objection, Plaintiff identifies a number of individuals, including several Defendants that have been dismissed, but he again fails to make factual allegations linking any individual to his claims of malicious prosecution and illegal strip searches. The Court will not speculate as to which named Defendants should be served with

process. *See Erickson v. Pardus*, 127 S. Ct. 2197, 2200 (2007) (requiring that Plaintiff “ ‘give the defendant fair notice of what the ... claim is and the grounds upon which it rests.’ ”) (citations omitted). One last opportunity will be afforded. Failure to make specific factual allegations against specific individuals will result in dismissal of Plaintiff’s action.

IT IS THEREFORE ORDERED that Plaintiff’s Objection To Order Denying Motion To Reconsider (Doc. 25) is SUSTAINED; and this case is REOPENED;

IT IS FURTHER ORDERED that, within ten (10) days of entry of this Order, Plaintiff may file a response containing specific factual allegations against specific individuals in support of his claims of malicious prosecution and illegal strip searches.


UNITED STATES DISTRICT JUDGE